IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8749 of 1990
and
SPECIAL CIVIL APPLICATION No 8755 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GOVINDBHAI G PARMAR

Versus

KALOL MUNICIPALICY

Appearance:
MRS DT SHAH for Petitioner
MR MI PATEL for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 26/04/2000

COMMON ORAL JUDGEMENT

In these petitions under Article 226 of the Constitution, the petitioners, daily wager employees of Kalol Municipality, have prayed for a writ of mandamus to direct the respondent Kalol Municipality not to terminate the petitioners' services as daily wager labourers.

2. While issuing notice on 20.12.1990, this Court had directed the respondents to maintain status quo qua the petitioners. The said ad-interim relief came to be continued from time to time and ultimately while admitting the petitions, the Court passed the following order on 26.7.1991 :-

"Rule. Heard the ld. Advocate on the point of interim relief.

Respondents are directed to continue status quo with regard to petitioner's service condition as on today, to continue. If the petitioner is in service his services should not be terminated except in accordance with law."

The aforesaid interim relief has continued till now. The learned counsel for the petitioners states that the petitioners are continued in service. It appears that for all practical purposes the petitioners are in continuous employment of the respondent Municipality since June, 1990.

3. Having regard to the length of services put in by the petitioners and having regard to the fact that the services of the petitioners have not been terminated during pendency of the petitions, it will not be unreasonable to draw an inference that the respondent Municipality requires the services of the petitioners.

4. In view of the above, the petitions deserve to be allowed in the same terms in which the interim order was passed. Accordingly, the respondents are directed to continue status quo with regard to the petitioners service conditions and to continue the petitioners in service. The petitioners' services shall not be terminated except in accordance with law.

Rule is made absolute to the aforesaid extent only with no order as to costs.

April 26, 2000 (M.S. Shah, J.)
sundar/-